

In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
GRANTING OF AN EXTENSION )  
OF CASELOAD ALLOCATION )  
PLAN FILING )

Case No. 02500-1303-MS-219

**ORDER GRANTING CONDITIONAL EXTENSION**  
**FOR COMPLYING WITH ADMINISTRATIVE RULE 1(E)**  
**AND**  
**APPROVING AMENDED LOCAL RULE**

The Judges of the Allen Circuit and Superior Courts request that the Indiana Supreme Court approve District 7's (Allen County's) Amended Proposed Caseload Allocation Plan and, pursuant Administrative Rule 1(E) (3), requests an exception from complying with the .40 variance rate. Attached to this order is the proposed amended local rule.

Upon examination of the proposed local rule amendment requested by the Allen Circuit and Superior Courts, this court finds that the proposed local rule amendment, LR02-AR1E-1 should be approved.

This Court finds that an exception from the provisions of Administrative Rule 1(E) is not warranted and that the Allen County Caseload Allocation Plan must meet the standard established by said rule. In order to enable the Allen County Courts to come into

compliance with Administrative Rule 1(E), this Court grants the Allen Circuit and Superior Courts a conditional extension of the filing deadline for its 2012 caseload allocation plan.

IT IS THEREFORE ORDERED that amended Local Rule LR02-AR1(E)-1 for Allen County Courts, set forth as an attachment to this Order, is hereby approved. The Allen County Circuit and Superior Court's request for exception from compliance with Administrative Rule 1(E) (3) is denied. The deadline for the Allen Circuit and Superior Courts to file its 2012 caseload allocation plan is conditionally extended to January 1, 2014. The Allen County Courts shall report their progress towards becoming compliant with Administrative Rule 1(E) quarterly, starting July 1, 2013, to the Division of State Court Administration.

The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website. The Clerk of this Court is further directed to forward a copy of this Order to the Honorable Thomas J. Felts, Judge of the Allen Circuit Court, 715 S. Calhoun Street, # 300, Fort Wayne, IN 46802; the Honorable Nancy Eshcoff Boyer, Judge of the Allen Superior Court #1, 715 S. Calhoun Street, #325, Fort Wayne, IN 46802; the Honorable Daniel G. Heath, Judge of the Allen Superior Court #2, 715 Calhoun Street, #316, Fort Wayne, IN 46802; the Honorable Stanley A. Levine, Judge of the Allen Superior Court #3, 715 S. Calhoun Street, #317, Fort Wayne, IN 46802; the Honorable Wendy Williams Davis, Judge of the Allen Superior Court #4, 715 S. Calhoun Street, #305, Fort Wayne, IN 46802; the Honorable Frances C. Gull, Judge of the Allen Superior Court #5, 715 S. Calhoun Street, # 314, Fort Wayne, IN 46802; the Honorable John F. Surbeck, Jr., Judge of the Allen Superior Court #6, 715 S. Calhoun Street, #302, Fort Wayne, IN 46802; the Honorable Stephen M. Sims, Judge of the Allen Superior Court #7, 2929 Wells Street,

Room #204-6, Fort Wayne, IN 46808; the Honorable Charles F. Pratt, Judge of the Allen Superior Court #8, 715 S. Calhoun Street, #208, Fort Wayne, IN 46802; Jerry Noble, Court Executive of the Allen County Courts, 715 S. Calhoun Street, # 208, Fort Wayne, IN 46802.

DONE at Indianapolis, Indiana, on March 26, 2013.



Brent E. Dickson  
Chief Justice of Indiana

All Justices concur.

## **2013 CASELOAD ALLOCATION PLAN FOR ALLEN COUNTY COURTS**

### **LR02-AR1E-1      Allen County Caseload Allocation Plan**

- (A) **Domestic Relations (DR) cases with self represented litigants**  
New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.
- (B) **Mortgage Foreclosures (MF)**
  - (1) 10% shall be filed in Circuit Court, and
  - (2) 90% shall be filed in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3, and Superior 9).
- (C) **Civil Collections (CC)**  
Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3 and Superior 9).
- (D) **Criminal Cases:**
  - (1) All MR, FA, FC, FD, OV and IF cases shall be filed equally among Superior 4, Superior 5 and Superior 6.
  - (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (E) **Other Civil Cases**
  - (1) All small claims (SC), mental health (MH), guardianships (GU), estates (EU/ES), trusts (TR), and protection orders (PO) shall be filed in Superior Court.
  - (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. Superior PL cases shall be divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.
  - (3) All MH cases shall be divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.
- (F) **Civil Tort (CT)**  
100% civil tort claims (CT) will be filed with the Superior Court, divided equally among Superior 1, Superior 2, Superior 3 and Superior 9.

**(G) Civil Miscellaneous (MI)**

Property tax cases, property forfeiture cases and name change cases shall be filed in Circuit Court. All other civil miscellaneous (MI) cases shall be filed in Superior Court.

**(H) Juvenile Cases**

(1) All juvenile CHINS (JC), juvenile delinquency (JD), juvenile status (JS), juvenile termination (JT), juvenile miscellaneous (JM) and adoptions (AD) shall be filed in Superior Court.

(2) Juvenile paternity (JP) cases may be filed in Circuit Court or Superior Court.

**(I) Other Family Cases**

(1) Domestic relations (DR) and reciprocal support (RS) cases may be filed in Circuit Court or Superior Court.

(2) Of the DR cases filed in Superior Court 32% shall be filed in Superior 7 and 68% in Superior 8.

*(Effective January 1, 2013)*